

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated May 31, 2006.

Applicant's attorneys appreciate the Examiner's continued thorough search and examination of the present patent application.

Claims 1-15 are pending in this application. All claims have been rejected.

In response to the Examiner's objection to claim 4, that claim was amended to recite "receiver device" instead of receiver function".

Claims 7-8 and 11 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In response, claim 7 was amended to recite that the configuration is being received by the Micro Decision Engine. That clarification is due to the fact that the configuration that includes triggers is forwarded by the Matching Engine and is received by the Micro Decision Engine.

Claims 7-8 and 11 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On page 8, lines 6-12, the present application describes MDE updates being regularly broadcast to receiver components. That paragraph states that new MDE's (MDE being a process or a function) can accommodate different receiver capabilities. Receivers are settop boxes having upgradable components. Receivers are described on page 9, line 27-32. As with regard to "improved functional capability", that phrase is commonly recognized by those skilled in the art to mean that functions are improved to have more capability, i.e., same functions performing additional tasks.

Claims 1, 12 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,698,020 to Zigmond et al. ("Zigmond").

Claims 2 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of U.S. Patent Application Publication No. 2002/0083441 to Flickinger ("Flickinger") and further in the view of U.S. Patent No. 6,324,519 to Eldering et al. ("Eldering '519").

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Flickinger in view of Eldering '519 as applied to claim 2 above, and further in view of

U.S. Patent No. 6,353,929 to Houston (“Houston”).

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Flickinger in view of Eldering ’519 and further in view of U.S. Patent Application Publication No. 2001/0039657 to Fopeano (“Fopeano”).

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Flickinger in view of Eldering ’519 in view of Fopeano as applied to claim 4 above, and further in view of Houston.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Flickinger in view of Eldering ’519 in view of Fopeano, and further in view of U.S. Patent No. 6,614,987 to Ismail (“Ismail”).

Claims 7, 8 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Flickinger in view of Eldering ’519 as applied to claim 2 above, and further in view of U.S. Patent No. 6,029,045 to Picco et al. (“Picco”).

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of U.S. Patent No. 6,704,930 to Eldering et al. (“Eldering ’930”).

Finally, with regard to claim 14, the Examiner gives an Official Notice that it is well known in the art to provide load balancing. Based on that, the Examiner believes that it would have been obvious to modify Zigmond and Eldering ’930 to implement load balancing.

Reconsideration and withdrawal of these rejections are respectfully requested.

In accordance with amended independent claim 1, the claimed method for presenting target content to users carries out steps of “determining user characteristics of a target viewer, the user characteristics characterizing a viewer selected to view the target content” and “receiving user characteristics and schedule information on a target viewer’s receiver device”. These elements were amended to elucidate that the determining step determines the characteristics of a target viewer which are general identifying factors of a universe of viewers pre-selected to watch alternate advertisements. After the determination is made the characteristics are sent to and are received on a target viewer’s receiver device. That is not, as suggested by the Examiner, taught or suggested in col. 11, lines 13-18 of Zigmond, which states:

The viewer and system information may further include information relating to the viewing habits of the viewers in the household. The viewing habits may be described by monitoring the times of day that programming is watched, the amount of time

spent viewing particular channels, preferred types of programming, etc.

The claimed user characteristics are determined elsewhere and provided to the targeted viewer. That is contrary to collecting viewing habits of the viewers in the household on the household's settop as described in Zigmond.

The Examiner further points to col. 10, lines 48-53 stating:

Specific examples of the viewer and system information stored in storage location 82 include the following. Viewer demographic data may be stored in storage location 82, including age, sex, income, preferred language, number of residents, or similar information.

as teaching the step of receiving the user characteristics. That is not so. In accordance with the present application, the user characteristics are determined outside of the receiver/settop box, and even outside of the head-end by entities that aggregate demographic (and related) data. For example, General Motors Corporation (GM) maintains a list of Cadillac customers around the U.S. When GM decides to air targeted ads for Cadillac, it provides a customer list together with the targeted ads to the head-end. The head-end merges the customer list with its viewer list in order to select settop addresses of viewers that are found in both lists for targeted advertising.

Once this list is established, the user characteristics are sent to and received on the target viewer's settops/receiver devices. Once received, the user characteristics provide instructions that the target viewer is a member of, e.g., the Cadillac Owners group (COG). From that point, when a GM advertisement airs, an alternative/targeted Cadillac advertisement is presented to the targeted viewer instead of the default GM advertisement being presented to the general public.

Claim 1 further recites "presenting the target content in accordance with said user characteristics and said schedule information". Thus targeted content presentation disclosed in the present application is achieved by presenting scheduled alternative advertisements to targeted viewers whose user characteristics were received from the head end. Zigmond does not teach or suggest determining the user characteristics outside the receiver device, receiving user characteristics on the receiver device, or presenting the target content based on the received user characteristics.

Zigmond describes a system and method for selecting and inserting advertisements into a video programming feed at the household level. The Examiner refers to col. 10, lines 48-53 of

Zigmond as teaching the claimed step of receiving the user characteristics. However, the referenced location of Zigmond discusses “the viewer and system information stored in storage location 82”. There is no disclosure or suggestion in Zigmond of sending or “receiving the user characteristics and schedule information on a viewer ’s receiver device” or “presenting the target content in accordance with said user characteristics and said schedule information” as recited in claim 1.

Claims 12 and 15 have limitations to substantially the same effect.

Flickinger, Eldering ’519, Houston, Fopeano, Ismail, Picco, and Eldering ’930 do not remedy the deficiencies of Zigmond.

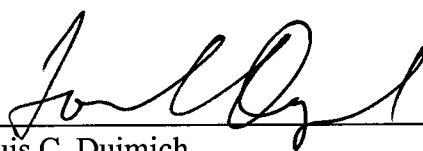
Thus, Applicants’ independent claims 1, 12, and 15 are patentably distinct from Zigmond, Flickinger, Eldering ’519, Houston, Fopeano, Ismail, Picco, Eldering ’930, or their combination.

Claims 2-11 and 13-14 depend directly or indirectly from the above discussed independent claims and are, therefore, patentable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
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Respectfully submitted,



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